

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
October 17, 2000

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:03 p.m., Tuesday, October 17, 2000, in the Board Room, York Hall, by Chairman Walter C. Zaremba.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zaremba, Donald E. Wiggins, James S. Burgett, and Melanie L. Rapp.

Sheila S. Noll was absent.

Also in attendance were Daniel M. Stuck, County Administrator; and James E. Barnett, County Attorney.

Invocation. The Reverend Royce Horne, Heritage Free Will Baptist Church, gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Zaremba led the Pledge of Allegiance.

HIGHWAY MATTERS

Mr. Jimmy Hamrick, Assistant Resident Engineer, Virginia Department of Transportation (VDOT), appeared to discuss highway matters of interest to the Board of Supervisors. He reported that Grafton Drive was now complete and that the project at Washington Square was near completion.

Mr. Wiggins inquired about the drawings depicting the drainage system in Edgehill that was discussed at one of the Drainage Committee meetings.

Mr. Hamrick stated he would check to see if the drawings were complete.

Mr. Wiggins reported on the York Point Homeowners Association dinner he attended and stated the homeowners were appreciative of VDOT's efforts in correcting their drainage problems.

Mr. Burgett reminded Mr. Hamrick that he still hadn't received a paving schedule for next year and asked what input the Board could have in the schedule.

Mr. Hamrick stated the schedule would come later on in the year, and he asked Mr. Burgett to send his input for the schedule by way of email.

Chairman Zaremba reported on a letter from VDOT that was sent to homeowners who live near the Rochambeau Road area regarding the widening of I-64 from the Camp Peary exit

north to the I-64 Lightfoot Road exit. He felt the letter wasn't clear to the citizens, and he asked for an explanation.

Mr. Hamrick stated he had received numerous calls in the last few days on this, and he explained that VDOT usually sent out flyers to people letting them know that surveying was being done in the area. He stated there were some misrepresentations in the letters, and he did not know if new letters would be replacing those. He explained that the plans were for widening one additional lane in each direction.

Chairman Zaremba asked if any condemnation action was planned for the widening.

Mr. Hamrick stated everything would be kept within the existing right-of-way.

Chairman Zaremba suggested that VDOT correctly inform the citizens of its intentions in the future.

PRESENTATIONS

YORK COUNTY COMMISSIONER OF THE REVENUE

Mrs. Ann Thomas, Commissioner of the Revenue, appeared before the Board to make a presentation on the functions and operations of her office, including the kinds of taxes collected in the County. She explained the qualifications for the Tax Relief for the Elderly and Disabled Program and the program for Assistance on State Income Tax. She also discussed income tax filing procedures.

Mr. Burgett stated he received calls when assessments go out, and he mentioned the assessments received by senior citizens. He asked Ms. Thomas if the Board could legally exempt certain individuals from paying taxes.

Mrs. Thomas indicated there was a deferral program that the County had years ago, and presently a tax exemption program existed. She explained that a deferral program defers taxes until the property was sold; a tax exemption actually exempts the tax so that the taxpayer never owes the tax.

Mr. Burgett questioned the success of those programs.

Mrs. Thomas stated she did not know the history on those programs nor did she know if the records still existed back to the 1970s when the program existed. The County had the deferral for just a few years until it was abolished.

Mr. Stuck asked if a deferral program was still available.

Mrs. Thomas stated the program was still available, but very few localities had a deferral system.

Discussion ensued on tax exemptions.

YORK COUNTY TREASURER'S OFFICE

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Mrs. Deborah Robinson, Treasurer, appeared before the Board to make a presentation on the functions and operations of her office including collections, investments, performance measurement, new services, and keeping the citizens informed. She indicated the County had an exceptionally high rate of collections in both real estate and personal property taxes. She displayed charts showing figures from 1998, 1999, and the first half of 2000 and informed the Board the citizens could now pay their taxes with their credit cards, and her office was also researching an automatic debit payment plan for the utility payments which will be offered in Spring 2001.

Mr. Burgett asked how the revenue was invested and how much money the County had on hand at any one time.

Mrs. Robinson stated the available amount of money on hand at any one time fluctuated, depending on what time of year it was, and that it could be as much as \$50,000,000. She explained there were times when the amount was much lower if there was a lot of debt to pay out, and investments were strictly guided by the State Code of Virginia using the Local Government Investment Pool (LGIP).

Chairman Zaremba asked what the average daily rate of return was for the last fiscal year.

Mrs. Robinson stated she did not have an average daily rate but that 5.12 percent was the average rate of all the investment tools they used.

Miss Rapp thanked the Treasurer and her staff for the hard work and the two innovations to help serve the customers with easier access for making payments.

YORK COUNTY HISTORICAL COMMITTEE

Mrs. Bonnie Karwac, Chairman of the York County Historical Committee, presented the annual report of the Committee. She informed the Board the Committee was presently working on the dedication of the monument to the war dead. She stated they wanted to establish a museum to keep the County's history from becoming extinct. She announced the photo history contest had just closed, and the judging would begin soon. She spoke of the Committee's website and its contents and announced events for the upcoming Yorktown Day celebration on October 19. Mrs. Karwac provided information regarding events for the annual Christmas tree lighting to take place at York Hall on December 1.

CITIZENS COMMENT PERIOD

Ms. Myra McCain, 415 Sparrer Road, voiced her concerns regarding a proposed expansion for the Dare Marina. She stated the marina was slated for a 10,500 square foot restaurant and retail expansion along with a 5,700 square foot office building. She was concerned about how it would affect the neighborhood and property values. She stated the permit approval process required an administrative waiver of the Chesapeake Bay Act and an administrative interpretation of the zoning ordinance. She stated the citizens have had no opportunity to comment on the matter since the planning/zoning department was stating the project did not need a use permit. She requested that the Board talk with the planning and zoning department and provide for adequate time for citizen comment regarding this matter. She further asked that the permit be held since it was in the final approval stages until the affected parties are notified to speak about the change in use.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett elaborated on a memo he provided the Board members concerning the process for formulating the legislative program for the upcoming General Assembly. He stated the Board had two other sessions to look at it before its proposed adoption at the November 21 meeting.

Chairman Zaremba spoke concerning the transcript received from the hearing on the President's Park, recognizing Ms. Hook for her arguments on the merits of the Board of Zoning Appeals' position.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. Stuck mentioned the festivities to take place on October 19, Yorktown Day. He reported on the proposed recreation facility to be constructed by the YMCA, stating that a video had been completed that would air on Cable Channel 46 regarding the project. He mentioned the Route 17 widening and stated staff would soon meet with Mr. Jim Cleveland, VDOT District Administrator. He mentioned receiving a copy of a letter addressed to the VDOT District Administrator from Senator Tommy Norment in which he suggested that a meeting between he, Senator Williams, and the Board was in order. If the Board indicates an interest, Mr. Stuck indicated he would be happy to set it up. He stated the VACo newsletter contained a summary of the draft report of the Commission on Virginia State and Local Tax Structure for the 21st Century which was the subject of a video airing on Cable Channel 46. Mr. Stuck noted that he, Mr. Barnett, Mr. Hudgins, and Mr. McReynolds would be attending a three-day training session in Roanoke November 8-10 on Environmental Compliance Issues. He stated the City of Roanoke was funding this training program.

Meeting Recessed. At 7:59 p.m. Chairman Zaremba declared a short recess.

Meeting Reconvened. At 8:05 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARING

APPLICATION NO. UP-555-00 (AMENDED), KENNETH DALE MOORE (CLEAR MORE CONSTRUCTION)

Mr. Stuck reminded the Board the application was before them previously, and at that time the applicant chose to withdraw the application so he could make revisions. He stated the application was back for reconsideration.

Mr. Timothy Cross, Senior Planner, after a video was shown displaying the property in question, made a presentation on Application No. UP-555-00 to authorize a use permit for the establishment of a mini-storage warehouse facility on 2.9 acres of land along Hampton Highway, approximately 850 feet east of the intersection of Hampton Highway and Big Bethel Road. The Planning Commission first considered the application at its March 22 meeting and recommended denial. The applicant subsequently made some modifications to the

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proposal, and the Board remanded the application back to the Planning Commission for reconsideration. The Planning Commission reconsidered the application at its September 13, 2000, meeting and voted to recommend denial. He stated the revenue generating potential from mini-storage warehouses was low compared to other commercial uses that would be permitted as a matter of right. He stated staff was concerned about the economic impact because of the limited supply of vacant commercially-zoned parcels on Route 134. Staff recommends that the Board deny the application.

Chairman Zaremba called to order a public hearing on Application No. UP-555-00 which was duly advertised as required by law. Proposed Resolution R00-169 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO
AUTHORIZE THE ESTABLISHMENT OF A MINI-STORAGE WARE-
HOUSE FACILITY ON 2.9 ACRES ALONG ROUTE 134

Mr. Lamont Myers, Mid-Atlantic Commercial, who represented the applicant, showed a sketch of the project to the Board members. He stated the proposal was superior in design and fit in well with the neighborhood. He stated the revised plan reduced the size of the project by about one-third and was in conformity with the Comprehensive Plan. He felt it would be advantageous for the County to allow the applicant's plan rather than delay and wait for the perfect tenant while losing thousands of tax dollars.

Chairman Zaremba mentioned the minutes of the Planning Commission, stating the Woodlake Homeowners Association was opposed to the construction of mini-storage facilities along Route 134.

Mr. Myers stated he was surprised at their comments and stated there were no other citizens appearing in opposition at the public hearings.

Chairman Zaremba asked Mr. Cross to elaborate on the Commission's findings.

Mr. Cross stated the Planning Commission felt this project was not the best use for the property as a commercial investment.

There being no one else present who wished to speak concerning the subject application, Chairman Zaremba closed the public hearing.

Mr. Burgett stated he felt this project was not the best use of this property, and he was not able to support the plan.

Mr. Wiggins stated this was a major intersection, and he also felt this was not the best use of the property.

Miss Rapp liked the fact it had low traffic. She discussed the importance of conforming with the Comprehensive Plan and not making many exceptions to the rules. She stated she would vote no since this would be making an exception.

Mr. Wiggins then moved the Board deny proposed Resolution R00-169 which reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO
AUTHORIZE THE ESTABLISHMENT OF A MINI-STORAGE WARE-
HOUSE FACILITY ON 2.9 ACRES ALONG ROUTE 134

WHEREAS, Kenneth Dale Moore has submitted Application No. UP 555-00, which requests a special use permit pursuant to Section 24.1-306 (Category 14, No. 6) of the York County Zoning Ordinance to authorize the establishment of a mini-storage warehouse facility on a 2.9 acre portion of a parcel located along Hampton Highway (Route 134) and further identified as Assessor's Parcel No. 37-158; and

WHEREAS, said application has been referred to the York County Planning Commission; and

WHEREAS, the Commission has recommended denial of this application; and

WHEREAS, the Board has conducted a duly advertised public hearing in accordance with applicable procedure; and

WHEREAS, the Board has carefully considered the public comments and the recommendations of the Commission and staff with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 17th day of October, 2000, that Application No. UP-555-00 be, and it is hereby, approved to authorize the establishment of a mini-storage warehouse facility on 2.9 acres along Hampton Highway (Route 134), subject to the following conditions:

1. This use permit shall authorize the establishment of a mini-storage warehouse facility located along Hampton Highway (Route 134) on approximately 2.9 acres of land that is further identified as Assessor's Parcel No. 37-158.
2. The mini-storage warehouse facility shall be developed and operated in accordance with the standards set forth in Section 24.1-483, Standards for all wholesaling and warehouse uses; Section 24.1-484, Standards for mini-storage warehouses; and Section 24.1-245, Greenbelts.
3. A site plan shall be prepared in accordance with Article V of the York County Zoning Ordinance. Said site plan shall be in substantial conformance with the revised concept plan titled "Concept Plan" and dated July 28, 2000 and included in the file as part of this revised application.
4. All buffer widths, plantings, and ratios shall be in substantial conformance with those outlined in the letter from Mary E. Higgins, C.L.A., to Lamont Myers, and dated February 4, 2000 and in the associated landscape plan titled "Conceptual Landscape Plan" and dated January 27, 2000. All existing healthy trees shall remain undisturbed in all buffer areas.
5. A single commercial entrance to Route 134 shall serve the proposed development.
6. A decorative façade in substantial conformance with the conceptual plan titled "Conceptual Plan" and dated March 9, 2000, shall be extended along all sides of the warehouse development, except where breaks are made necessary by Zoning Ordinance regulations. In addition, the façade shall contain the same materials, colors, and design as described in the narrative provided by the applicant (dated March 9, 2000).

7. Freestanding signage for the development shall be limited to one ground-mounted monument type sign. Said sign shall be constructed of brick or decorative block material.
8. The development shall be limited to 40,000 (or fewer) net square feet of rentable space.
9. All warehouse doors shall face the inside of the mini-storage warehouse development. No warehouse doors shall be sited along or in the exterior façade of the mini-storage warehouse development.
10. The hours of operation shall be limited to 6:00 a.m. to 9:00 p.m. daily.
11. A continuous line of fencing around the perimeter of the mini-storage warehouse facility shall not be permitted. Limited fencing along breaks in the façade made necessary by Zoning Ordinance shall be permitted. Said fencing shall be a black, wrought iron style fence. The use of chain link or similar theft-deterrent wire (i.e., barbed wire, razor wire, etc.) anywhere on the property shall not be permitted.
12. Building height shall be no greater than fifteen feet (15'), as measured from the finish grade, except for any gables on the decorative facade, which may be no greater than thirty feet (30'), as measured from the finish grade.
13. Building and storage door colors shall be of a muted, colonial hue as depicted in the conceptual drawings submitted by the applicant.
14. The office/manager's residence building shall be a one (1)-story structure and the design shall be in substantial conformance with the conceptual plan titled "Conceptual Plan" and dated March 9, 2000.
15. All external lighting, including security lights, shall be full cutoff fixtures. Lighting shall not spill over onto adjacent properties. A photometric plan shall be submitted for approval to the Planning Division as part of the site plan review process.
16. The applicant shall be responsible for compliance with the regulations in Section 24.1-115(b)(6) of the Zoning Ordinance that pertain to the recordation of this resolution in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (4) Wiggins, Burgett, Rapp, Zaremba
Nay: (0)

MATTERS PRESENTED BY THE BOARD

Mr. Wiggins stated the Drainage Committee would be ready to give its report to the Board by Christmas. The report would pinpoint the major drainage problems in the County and would recommend the prioritization of the projects to the Board. He then reported he had received calls about newspaper articles published about New Quarter Park and inquiring why the park was being closed down. He stated the Board had not made a decision to close the park. He

discussed the uses of York Hall and noted that no final decision on the space utilization had been made.

Miss Rapp thanked the members of the Armed Forces who served their country. She asked for a moment of silence for the members of the USS Cole. She then thanked the Office of Economic Development for the 19th Annual Occasion for Business/Industry dinner held last week. She reported on discussions held at her second constituent meeting on October 5.

Mr. Burgett stated he enjoyed the County Employee Family Picnic held on October 7. He reported meeting with some Cub Scouts recently, stating he gave them a tour of York Hall and they discussed government issues. He reiterated Mr. Wiggins' comments regarding New Quarter Park and that the Board had not made a decision on closing the park or on the use of York Hall.

Chairman Zaremba discussed the newspaper article that appeared in The Virginia Gazette regarding New Quarter Park, and stated he felt the citizens were misled by the article. He also mentioned another article in The Virginia Gazette with regard to funding of current projects. He stated that article was also misleading in indicating that the County was worry-free of money. He stated the Board was beginning the 2001 budget cycle, and the Board members would squeeze out every ounce of excess as they move forward. He stated every dime and penny would be spent judiciously. He then congratulated Mr. Terry Hall, Department of Fire and Life Safety, on a letter he received from the Virginia Association of Counties for assisting several counties to undertake the steps to implement enhanced E-911 services.

CONSENT CALENDAR

Chairman Zaremba asked that Item No. 6 be removed from the consent Calendar.

Mr. Burgett moved that the Consent Calendar be approved as amended, Item Nos. 2, 3, 4, and 5, respectively.

On roll call the vote was:

Yea: (4) Burgett, Rapp, Wiggins, Zaremba
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 2. APPROVAL OF MINUTES

The minutes of the following meetings of the Board of Supervisors were approved:

September 12, 2000, Adjourned Meeting
September 19, 2000, Regular Meeting

Item No. 3. CLAIM OF KILN CREEK ASSOCIATES, L.P.: Resolution No. R00-168.

A RESOLUTION DENYING A CLAIM OF KILN CREEK ASSOCIATES, L. P.

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WHEREAS, Kiln Creek Associates, L. P. (KCA) has made a claim against the Board in the amount of \$28,499.00 for costs to repair or replace equipment at a sewer pumping station serving Kiln Creek Center, allegedly because of improper maintenance of a sewer main by the County; and

WHEREAS, the Board finds no factual basis to support the claim;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 17th day of October, 2000, that the claim of Kiln Creek Associates, L. P. in the amount of \$28,499.00, as set forth in a letter of August 11, 2000, from Mark A. Short, of Kaufman & Canoles, to Walter C. Zaremba, Chairman, is hereby denied.

Item No. 4. REVENUE SHARING PROJECTS FOR 2000: Resolution No. R00-173.

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE AGREEMENTS WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE ADMINISTRATION OF THE REVENUE SHARING PROJECTS APPROVED FOR YORK COUNTY BY ACTION OF THE COMMONWEALTH TRANSPORTATION BOARD FOR FY2000/OI AND TO APPROPRIATE VDOT REVENUE SHARING FUNDS

WHEREAS, the Virginia Department of Transportation (VDOT) has approved the County's request to establish Revenue Sharing projects for: Route 706 (Theatre Road) realignment; Routes 143 and 162 (Merrimac Trail and Second Street) landscaping and sidewalks; Route 60 sidewalk; Route 17 landscaping; Route F-137 (East Rochambeau Drive) landscaping; Route 171 (Victory Blvd) culvert repair/replacement; the Yorktown streetscape enhancements; the Ballard Street sidewalk/drainage improvements extension; and, the remote control emergency traffic signal controller systems on Route 17 and Route 171; and

WHEREAS, the County has pledged up to \$546,551 in County and developer-contributed funds for these projects, to be matched by an equal amount in VDOT Revenue Sharing Program funds; and

WHEREAS, in accordance with Revenue Sharing Program guidelines, the County may administer and implement eligible projects or may opt for administration and implementation by VDOT, but in either case project administration agreements will be required; and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 17th day of October, 2000, that the County Administrator be, and he is hereby, authorized to execute such agreements between York County and the Commonwealth of Virginia Department of Transportation as are necessary to provide for the implementation of the above-noted projects, said agreement to be approved as to form by the County Attorney.

BE IT FURTHER RESOLVED that Revenue Sharing finds in the total amount of \$480,051 to be received from the Virginia Department of Transportation for the projects which the County will administer be, and hereby are, appropriated in the General Fund.

Item No. 5. APPROPRIATION OF TECHNOLOGY TRUST FUNDS: Resolution R00-171.

A RESOLUTION TO APPROPRIATE TECHNOLOGY TRUST FUNDS
FROM THE STATE COMPENSATION BOARD FOR THE PURCHASE
OF EQUIPMENT FOR THE CLERK OF CIRCUIT COURT

WHEREAS, the Clerk of Circuit Court received certification in February 1999 for her five-year automation plan to improve access to and modernize land records; and

WHEREAS, to help implement the plan, the State Compensation Board has allocated technology trust funds totaling \$161,985 for the purchase of a digital indexing and imaging system for land records in the Clerk of Circuit Court's Office; and

WHEREAS, prior to the obligation or expenditure of these funds they must be appropriated by the Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 17th day of October, 2000, that \$161,985 be, and hereby is, appropriated in the Capital Fund for the purchase of a digital indexing and imaging system for land records in the Clerk of Circuit Court's Office.

Item No. 6. PURCHASE AUTHORIZATION: Proposed Resolution R00-170. (Removed from the Consent Calendar)

Chairman Zaremba asked Mr. Hudgins if there was any increase in the price of the valves compared to the last time they were purchased and what the purchase price for the valves was the last time they were purchased. He also voiced his concern about purchasing from one supplier.

Mr. Hudgins reported the last purchase was a couple of months ago and they were approximately \$800.00. He explained the Board passed the sewer standards and had a RFP to select the sole vender.

Chairman Zaremba asked for a summary of when the County began purchasing these specific valves, the per unit cost then, and the per unit cost today. He stated he has a problem with purchasing from the same source each time.

Discussion followed concerning the specifications for valve purchases.

Chairman Zaremba then moved the adoption of proposed Resolution R00-170 which reads:

A RESOLUTION TO AUTHORIZE PURCHASE OF FOUR VEHICLES
AND SEWER VALVES

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurements are necessary and desirable, that they involve the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

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NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 17th day of October, 2000, that the County Administrator be, and hereby is, authorized to conclude procurement arrangements for the following:

| | <u>AMOUNT</u> |
|----------------------------------------|---------------|
| Vehicles | \$84,596 |
| Airvac Sewer Valves and Sump Breathers | 65,625 |

On roll call the vote was:

Yea: (4) Burgett, Rapp, Wiggins, Zaremba
Nay: (0)

NEW BUSINESS

YORKTOWN CAPITAL IMPROVEMENTS PLAN

Mr. Stuck made a presentation on the Yorktown Capital Improvements Plan and the consideration of proposed Resolution R00-167 to approve the Fiscal Year 2001 Yorktown Capital Improvements Program budget allocations and the Fiscal Year 2002-2007 Capital Improvements Program as a long-range planning document, and appropriate funds necessary for the support of the FY2001 Yorktown capital projects.

Chairman Zaremba asked for a general overview of the plan.

Mr. J. Mark Carter, Assistant to the County Administrator, explained it was a seven year plan, and it was already mid-way through FY01. The Board has not made any FY2001 allocations for capital projects from the tourism-designated lodging tax revenues, which is the bulk of the money supporting the plan. He explained that staff was proposing for FY01 a series of projects, the majority of which would be funded from those tourism-designated, lodging tax revenues. Two property acquisitions are being proposed. He suggested that the money be set aside to accomplish these acquisitions should they go forward. He also noted there was some money for undergrounding utilities that had been explained to the Board previously. Mr. Carter then explained the work to be covered by the Water Street utility undergrounding project. He explained that in FY01 \$1,075,000 would be devoted to the Wharf and Waterfront Interpretive Area.

Chairman Zaremba stated he wanted to present this plan to the public so they could see and share the same charts and have somebody like Mr. Carter walk the public through to give them an appreciation of the magnitude of the project and the component parts that make the whole revitalization of Yorktown consistent with the Yorktown Master Plan, as well as the costs associated with each of the parts.

Mr. Carter indicated he would be happy to do that. He stated he had spoken to the Yorktown Citizens Meeting last week and gave the presentation that was shown to the Board at its Work Session on the Capital Improvements Improvement. He stated he had another session scheduled with one of the service clubs next week.

Chairman Zaremba also mentioned the great opportunity the staff had with Channel 46 and the televising of work sessions.

Mr. Carter stated that Mr. Stuck had asked him to coordinate with the Public Information Officer to develop a program on Yorktown.

Mr. Stuck noted by adoption of the proposed resolution, the Board would be adopting the proposed year 2001-07 Yorktown Capital Improvements Program. The proposed allocations from the tourism lodging tax revenues for the current fiscal year 2001 were also being approved subject to such additional approvals by the Board as may be necessary.

Chairman Zaremba stated the Board had directed staff to look into other areas in town for parking.

Miss Rapp then moved the adoption of proposed Resolution R00-167 which reads:

A RESOLUTION TO APPROVE THE FISCAL YEAR 2001 YORKTOWN CAPITAL IMPROVEMENTS PROGRAM BUDGET ALLOCATIONS AND THE FISCAL YEAR 2002-2007 CAPITAL IMPROVEMENTS PROGRAM AS A LONG-RANGE PLANNING DOCUMENT, AND TO APPROPRIATE THE FUNDS NECESSARY FOR THE SUPPORT OF THE FISCAL YEAR 2001 YORKTOWN CAPITAL PROJECTS

WHEREAS, the County Administrator has developed a proposed Fiscal Year 2001-2007 Capital Improvements Program for the implementation of the Yorktown Master Plan and has submitted that plan for review and approval in his report to the Board dated September 19, 2000; and

WHEREAS, the Yorktown Capital Improvements Program will serve as a long-range planning document, subject each year to review and approval of funding by the Board of Supervisors; and

WHEREAS, the Board has carefully reviewed the proposed plan and the recommendations for allocation of the tourism-designated lodging tax revenues as well as the other recommended sources of funding and has determined that the proposed allocations for FY01 and the projected allocations for FY02-07 are reasonable and appropriate;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 17th day of October, 2000, that the County Administrator's proposed Fiscal Year 2001-2007 Yorktown Capital Improvements Program be, and it is hereby, adopted by the Board of Supervisors.

BE IT FURTHER RESOLVED that the proposed allocations from the tourism-designated lodging tax revenues for FY2001 be, and they are hereby, approved subject to such additional approvals by the Board as are necessary pursuant to the Board's Purchasing Policy.

BE IT STILL FURTHER RESOLVED that \$2,130,000 be, and it is hereby, appropriated in the Yorktown Capital Improvements Fund for the projects included in the Fiscal Year 2001 Yorktown Capital Improvements Program.

On roll call the vote was:

Yea: (4) Wiggins, Burgett, Rapp, Zaremba
Nay: (0)

PROFESSIONAL SERVICES AGREEMENT FOR THE YORKTOWN CAPITAL IMPROVEMENTS PLAN

Mr. Stuck made a presentation regarding proposed Resolution R00-172 to authorize the execution of a professional services agreement for the Yorktown Capital Improvements Program. He explained there was \$140,000 in the FY01 budget for engineering and environmental services. This contract may also cover future appropriations of the Board. He stated a lot of these projects have already partially occurred and that other projects have been ongoing for some time. The staff had previously begun the procurement process to acquire design services for these smaller projects, and he stated some of the projects would be larger than \$30,000 which would normally have to come back before the Board for approval. This action by the Board would authorize the execution of the agreement and then to issue the notice to proceed to get the engineering and the other kinds of work done as the projects come along. He stated that in future years there would be more money to do additional work.

Mr. Robert S. Kraus, Director of General Services, appeared before the Board to answer any questions the Board members might have regarding the professional services agreement.

Mr. Burgett stated Mr. Carlton Abbott had completed a lot of architectural work for the County, and he inquired why other qualified architectural firms had not been hired by the County.

Mr. Kraus explained that other work had been given to other firms such as Clark Nexson of Norfolk. He reported that Mr. Abbott presented the best proposal for Yorktown. He stated Mr. Abbott had put together a team of three civil engineering companies, an archaeological company, and several environmental companies to help him through some of the projects.

Mr. Burgett stated it was a three-year contract and was almost like Mr. Abbott had a monopoly on doing all architectural work in Yorktown. Mr. Burgett noted Mr. Abbott had done a great job.

Mr. Kraus stated staff looked at all nine proposals and felt that three of them appeared as though they could do the job. Instead of going through a routine interview process, he stated he asked those three companies to come in and look at one project in Yorktown and explain how they would approach it. The Archer Cottage parking lot was selected because it is a very delicate project that will require environmental assessments and archaeological surveys. All the firms were on a level playing field and were allowed to talk to the Park Service, to survey the property, and some of them came in with artists renderings showing how they would go about the design. Mr. Kraus stated the selection committee, which included representation from the Park Service, felt Mr. Abbott's proposal and his approach was by far the best.

Mr. Burgett asked if the other architects were local.

Mr. Kraus replied one was from Newport News.

Mr. Stuck stated there were two major architectural contracts that had been awarded in Yorktown. Phase I and Phase II were actually the Riverwalk and the wharf design, and they were awarded a number of years ago. Mr. Abbott had both of those contracts for continuity. The last contract that was awarded was to a firm from Charlottesville to do the streetscaping plan. That firm has just about finished its report.

Discussion followed on the award of contracts.

Miss Rapp asked Mr. Kraus who was on the panel and what were the qualifiers for judging.

Mr. Kraus explained the panel included Tom Sawyer from the County's Purchasing Division, Chair of the committee; Dorothy Geyer, Landscape Architect with the Park Service; Bob Peters, Wayne Oien, and himself from the County. He stated they interviewed three firms: URS from Newport News, Timmons from Richmond, and the third was Carlton Abbott.

Miss Rapp asked if Mr. Kraus felt comfortable with the recommendation he had given the Board.

Mr. Kraus stated he was absolutely sure.

Mr. Wiggins expressed some concern with the cost of the engineering and the design of the project.

Mr. Kraus stated working on small projects was sometimes more time consuming than one large project. He explained for one sidewalk they may have to do an archaeological survey, an environmental survey, and a topographic survey, requiring more detailed plans than for normal construction. He further explained some of the specifications.

Discussion followed regarding the procurement process followed for issuing contracts for professional services and how the fees were negotiated.

Mr. Wiggins asked if the maximum amount that Mr. Abbott could charge was \$140,000.

Mr. Kraus stated that was the maximum for this year.

Mr. Stuck explained if the Board appropriated additional money next year for architectural and engineering services, then that could also fall under this contract. He asked Mr. Kraus if the \$200,000 that was estimated for the design of the building on the Jamestown-Yorktown Foundation property was part of this contract.

Mr. Kraus stated it could be added.

Chairman Zaremba stated his general position of professional services contracts was that he did not like them. He felt they were too open-ended, and it was difficult to keep them under control. He stated he was not satisfied that staff had provided the Board with the amount of information it needed to make a sound decision. He stated he would be willing to move to table the proposed resolution to give staff time to answer some of the questions in more detail.

Mr. Wiggins agreed with Chairman Zaremba and asked to table the matter until he knew how much they would be spending on the design and engineering.

Miss Rapp asked Mr. Kraus how tabling the matter would affect him. She requested that the Board members who had questions to send them to staff as soon as possible, at the latest October 18 or 19.

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Chairman Zaremba stated there would be no response from him by Thursday morning given his schedule. He stated they would provide Mr. Kraus the questions as soon possible with no promises of when.

Mr. Kraus explained the project was almost at a complete standstill in terms of moving projects along.

Chairman Zaremba asked for a explanation of why the staff needed outside help to move projects forward.

Miss Rapp encouraged the Board to review the material in their agenda packets in an effort to be prepared to ask questions when the matters were under consideration.

Chairman Zaremba then moved to table proposed Resolution R00-172.

On roll call the vote was:

Yea: (3) Burgett, Wiggins, Zaremba
Nay: (1) Rapp

CLOSED MEETING. At 9:46 p.m. Mr. Burgett moved that the meeting be convened in Closed Meeting pursuant to Section 2.1-344(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions.

On roll call the vote was:

Yea: (4) Rapp, Wiggins, Burgett, Zaremba
Nay: (0)

Meeting Reconvened. At 9:49 p.m. the meeting was reconvened in open session by order of the Chair.

Miss Rapp moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED
MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 17TH day of October, 2000, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia

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law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (4) Wiggins, Burgett, Rapp, Zaremba
Nay: (0)

APPOINTMENT TO THE YORK COUNTY PARKS AND RECREATION ADVISORY BOARD

Mr. Burgett moved the adoption of proposed Resolution R00-162 which reads:

A RESOLUTION TO APPOINT A REPRESENTATIVE TO THE YORK
COUNTY PARKS AND RECREATION ADVISORY BOARD

WHEREAS, Lance Jordan has submitted his resignation as a member of the York County Parks and Recreation Advisory Board;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 17th day of October, 2000, that Michael Mason be, and is hereby, appointed to the York County Parks and Recreation Advisory Board to fill the unexpired term of Lance Jordan, such term to begin immediately and end December 31, 2002.

On roll call the vote was:

Yea: (4) Burgett, Rapp, Wiggins, Zaremba
Nay: (0)

Meeting Adjourned. At 9:50 p.m. Chairman Zaremba declared the meeting adjourned to 6:30 p.m., Tuesday, October 24, 2000, in the East Room, York Hall, for the purpose of conducting a work session.

Daniel M. Stuck, Clerk
York County Board of Supervisors

Walter C. Zaremba, Chairman
York County Board of Supervisors